THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, the 2nd day of April,2007

W.P.No.1085 of 1998

Between:-

M. Rama Prasad Rao … Petitioner

and

Sri Visakha Grameena Bank
Board, represented by its
Chairman, Srikakulam,
Srikakulam District … Respondents

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W.P.No.1085 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondent to release the increments to the petitioner for the period from 1983 to 1988 with all consequential benefits.

It appears, petitioner was suspended from service of the respondent-Bank with effect from 21-7-1983. However, after conclusion of the disciplinary proceedings, the suspension order was revoked and he was reinstated into service by an Order dated 30-12-1987. Now, the grievance of the petitioner is that for the above period, the increments due to him were not granted.

There is no necessity of going into all the details. It is suffice to notice the Order dated 9-11-1987 passed by the respondent, which reads as under:

> "I write with reference to the charge sheet dated 26th July 1984 served on you and the departmental enquiry conducted by Shri K. Lakshmana Rao, Enquiry Officer, on the 12-6-86, 23-6-86, 28-7-86, 12-9-86, 13-9-86, 26-9-86 and 27-9-86 and upon consideration of the matter, I have decided that your 1(one) increment be stopped which will also have the effect of postponing your future increments and a suitable note to this effect be made in your service record. Your service during the period of suspension be treated as not spent on duty. You will not be entitled for any backwages for the period of suspension. There will be no recovery of subsistence allowance for the period. The orders of suspension stand revoked from the date you report for duty.
>
> 02. However, in terms of the Staff Service Regulations you have the right to make an appeal against this order to the Appellate Authorities within 30 days of its receipt, if you so choose.

03. A copy of the Enquiry Officer's proceedings and proceedings of the Disciplinary Authority are enclosed."

From the above, it is clear that the petitioner was inflicted with a punishment of stoppage of one increment, which shall have the effect of postponing the future increments. The service during the period of suspension was treated as not spent on duty. Further, it was held that the petitioner is not entitled for any back wages during the period of suspension. However, there was no order for recovery of the subsistence allowance. Thus, the order of suspension has been revoked from the date he reported for duty. It appears, petitioner reported for duty on 31-12-1987. Against the said Order dated 9-11-1987, petitioner filed an appeal and the appellate authority confirmed the order of the disciplinary authority and dismissed the appeal on 13-7-1988. Thus, the Order dated 9-11-1987 attained finality. Since the Order dated 9-11-1987 holding that the period of suspension be treated as not spent on duty, attained finality, the petitioner is not entitled for any annual increments during the suspension period i.e. from 1983 to 1988. Under these circumstances, the Writ Petition is devoid of any merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

02-4-2007

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